IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5463 of 2005

Between:

Seru Naguru, s/o Ramaiah, Sarpanch,
R/o Mollagunta Village, Repalle Mandal, Guntur District.

..... PETITIONER

AND

1 The District Collector, Guntur, Guntur District.
2 The District Panchayat officer, Guntur, Guntur District.
3 The Divisional Panchayat Officer, Tenali, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus to remove Para Nos.4 and 5 of the show cause notice of the 2nd respondent vide Roc.No.5605/2003-G7
dt.27-9-2004.

Counsel for the Petitioner:MR.K.RAMA KOTESWARA RAO

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

O R D E R:

This writ petition is filed questioning the proceedings of the second respondent-District Panchayat Officer, dated
27-9-2004 passed under Rule 42 (1) of the rules made under G.O.Ms.No.30 PR & RD & Relief, dated 20-1-1995 of A.P.Panchyat Raj Act 1994 (for short 'the Act').

The petitioner is the Sarpanch of Mollagunta Grama Pancyhat, Repalle Mandal, Guntur District. Under the impugned proceedings, the petitioner was called upon to show cause as to why he should not be prohibited from drawing the funds of Mollagunta Grama Panchayat under Rule 42 of the said Rules. Pending final orders, the petitioner was also prohibited from drawing General, EFC and JRY funds from the Sub Treasury under second proviso to Rule 42 (1) of the A.P.P.R Act 1994. The said order is impugned in this writ petition contending *inter alia* that withdrawing the cheque-drawing powers of the petitioner without notice to the petitioner is the violation of the principles of natural justice.

I am unable to agree with the said contention since on the face of it, the order passed by the second respondent prohibiting the petitioner from drawing the funds of the Gram Panchyat is only as an interim measure during the pendency of the proceedings initiated under Rule 42 (1) of the Rules. The final order under Rule 42 (1) is yet to be passed. Therefore, the petitioner cannot contend that before passing the said order a prior notice is necessary.

Hence, the relief as prayed for cannot be granted. However, keeping in view the fact that the enquiry was initiated against the petitioner as long back as in the month of September, 2004, and that the petitioner has already submitted his explanation on 8-10-2004 in response to the show cause notice dated 27-09-2004, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry initiated against the petitioner, and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

(G. ROHINI, J)

Dated 17th March, 2005.

mrb

To

1 The District Collector, Guntur, Guntur District.
2 The District Panchayat officer, Guntur, Guntur District.
3 The Divisional Panchayat Officer, Tenali, Guntur District.

4. Two CCs to G.P for for Panchayat Raj & Rural Development,

High Court Buildings, Hyderabad(OUT)

5. Two CD copies.